IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 26TH OCTOBER 2006 / 4TH KARTHIKA 1928

WP(C).No. 22897 of 2004(A)

PETITIONER:

MATHEW CHERIYAN, POYKUNNEL HOUSE,
P.O.KANJIRAPPALLY.

BY ADV. SRI.A.K.ABDUL AZEEZ

RESPONDENTS:

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1. THE CHAIRMAN.,
KERALA STATE ELECTRICITY BOARD, TRIVANDRUM.

2. THE EXECUTIVE ENGINEER,
KERALA STATE ELECTRICITY BOARD, CHOTTANIKKARA.

3. MADHUSOODANAN, SENIOR ASSISTANT,
KERALA STATE ELECTRCITY BOARD,
CHOTTANIKKARA.

4. THE DISTRICT EXECUTIVE OFFICER,
KERALA MOTOR EMPLOYEES WELFARE BOARD,
KOTTAYAM.

5. P.G.ANILKUMAR, S/O.GOVINDAN NAIR,
KIZHAKKEPADATH, THEKKEVALA, P.O.PONKUNNAM.

6. STATION HOUSE OFFICER,
PONKUNNAM POLICE STATION, PONKUNNAM.

ADDL. 7. REGIONAL TRANSPORT OFFICER, KOTTAYAM

ADDL. 8. DEPUTY TAHSILDAR (RR), KANJIRAPALLY

ADDL. R7 IS IMPLEADED AS PER ORDER DATED 3.8.2004.
ADDL. R8 IS IMPLEADED AS PER ORDER ON I.A. 11056 OF 2004 DATED 26.10.06

R1 TO R3 BY ADV. SRI.C.C.THOMAS, SC, K.S.E.B
R4 BY ADV. SRI.P.RAMAKRISHNAN, SC,KMTWF BOARD
R6 & R7 BY GOVERNMENT PLEADER SRI. SHYSON P. MANGUZHA
SRI.DILIP MOHAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/10/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 PHOTOSTAT COPY OF DEMAND NOTICE RECEIVED FROM MOTOR WORKERS WLEFARE FUND DATED 1.7.2004

EXT.P2 PHOTOSTAT COPY OF THE PAPER REPORT ABOUT THIRD RESPONDENT DATED NIL

EXT.P3 PHOTOSTAT COPY OF THE DEMAND NOTICE RECEIVED FROM TAHSILDAR, REVENUE RECOVERY, KANJIRAPPALLY DATED 18.3.2004

EXT.P4 PHOTOSTAT COPY OF THE DEMAND NOTICE RECEIVED FROM TAHSILDAR, REVENUE RECOVERY, KANJIRAPALLY.

RESPONDENTS' EXHIBITS: NIL

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

W.P. C. NO. 22897 OF 2004

Dated this the 26th day of October, 2006

JUDGMENT

Petitioner is admittedly in operation of two stage carriages, though permit is stated to be in the name of the fifth respondent. The challenge is against recovery proceedings for recovery of motor transport workers welfare fund contribution due in respect of two vehicles for the year 2003-04. Standing counsel for the Motor Transport Workers Welfare Fund Board submitted that Ext.P1 which is only a provisional determination order is confirmed in final determination. The remedy against such order is only appeal before the statutory authority. Since petitioner has raised a complaint that the permit and vehicles are not transferred from the fifth respondent, who is the registered owner and permit holder, this Court directed the RTO to file a statement. Accordingly RTO filed an affidavit stating the reason for failure to transfer the vehicle is on account of default on the side of the applicant. In any case since dispute, if any, against final determination order is to be contested in appeal and RTA's order before the STAT, there is no justification for this Court to keep the W.P. pending. W.P. is accordingly dismissed.

(C.N.RAMACHANDRAN NAIR)
Judge